

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION

FILED
U.S. DISTRICT COURT
AUGUSTA DIV.
2016 MAY -5 PM 3:05

CLERK C. Adams
SO: DIST. OF GA.

JEREMIAH LANE,

Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondent.

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CIVIL ACTION NO.
CV 116-006

O R D E R

On April 18, 2016, this Court dismissed Petitioner Jeremiah Lane's motion under 28 U.S.C. § 2255 to vacate, set aside, or correct his sentence because it was barred by the applicable statute of limitations. Presently, Petitioner has filed a motion for reconsideration¹ and a motion to proceed in forma pauperis.

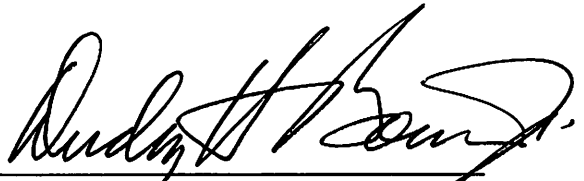
Upon due consideration of the grounds set forth in the motion for reconsideration, the motion (doc. no. 11) is hereby **DENIED**. In an apparent attempt to equitably toll the statute of limitations, Petitioner contends his attorney did not give him "the understanding of the law" and did not release his case file to him after his legal services were complete. (Doc. No. 11, at 2.) These grounds, even if true, do not

¹ Because Petitioner filed this motion within 28 days of the entry of judgment in this civil case, the Court construes his motion as one to alter or amend the judgment under Federal Rule of Civil Procedure 59.

constitute extraordinary circumstances to warrant equitable tolling. Further, in an attempt to show there has been a fundamental miscarriage of justice, Petitioner sets forth only conclusory allegations that he is actually innocent. His contentions are insufficient. As explained previously in the Report and Recommendation, Petitioner must set forth new evidence that would compel the conclusion that no reasonable juror would have convicted him. (See Doc. No. 5.) Petitioner has utterly failed to meet this stringent standard.

The Court notes that Petitioner asks this Court to file his Notice of Appeal in the alternative to reconsideration. (Doc. No. 11, at 4 ("And this reconsideration in alternative if denied should be granted to proceed in the appeal court of 11th Circuit for relief with them having jurisdiction and upon order final from this Court District will file his notice of appeal to 11th Cir.")).) Accordingly, the Clerk is directed to re-docket the motion for reconsideration as Petitioner's Notice of Appeal. This Court has already denied Petitioner's motion to proceed in forma pauperis on appeal. (See Doc. No. 9.) Accordingly, Petitioner's motion to proceed in forma pauperis (doc. no. 12) is also DENIED.

ORDER ENTERED at Augusta, Georgia, this 5th day of May, 2016.


UNITED STATES DISTRICT JUDGE